S.B. CR.MISC.BAIL APPL.NO.6994/2007.

Phutkaya alias Shamal Vs. State

Date of order : 30/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ashwani Chobisa for the petitioner.
Shri Harshvardhan Nandvana P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the only allegation against the petitioner is for committing offence under Section 411 IPC whereas the main accused of the offence are Sanjay, Mukesh, Devraj and Hemraj. The petitioner is in jail since 24/8/2007. Challan has been filed in the matter. Co-accused Sanjay has already been enlarged on bail by the co-ordinate Benches of this Court vide order dated 17/5/2007 in SB Cr.Misc.Bail Application No.3225/2007 whereas co-accused Mukesh @ Devraj @ Pappu and Hemraj have been enlarged on bail vide order dated 4/6/2007 in SB Cr.Misc.Bail Application No.3502/2007. The offene is triable by the court of the Magistrate of Ist Class. The trial of the case is likely to take long.

Learned Public Prosecutor has opposed the bail application and argued that in view of the seriousness of offence, the petitioner is not entitled for indulgence of grant of bail pending trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge him on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Phutkaya alias Shamal S/o Shanti Lal shall be released on bail in F.I.R. No.65/2007 P.S. Deoli, District Tonk for offence under Section 411 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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